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Ontario Provincial
Courts Committee

1984 - 85

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October 15, 1985

The Honourable Lincoln Alexander
Lieutenant Governor of Ontario
Queen's Park
TORONTO, Ontario
M7A 1A1

May it please Your Honour:

I have the honour to submit to the Lieutenant Governor in Council the Annual Report of the Ontario Provincial Courts Committee for the period April 1, 1984 to March 31, 1985.

Yours very truly,

Alan R. Marchment
Chairman
Ontario Provincial Courts
Committee

Encl.

c.c. The Honourable Elinor Caplan
The Honourable Ian Scott, Q.C.

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8777 Committee
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1984/85
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8777 Committee
O572 Annual report
1984/85
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ONTARIO PROVINCIAL COURTS COMMITTEE

Annual Report 1984-85

The Ontario Provincial Courts Committee is established pursuant to section 88 of the Courts of Justice Act, 1984. Its function is to inquire into and make recommendations to the Lieutenant Governor in Council respecting any matter relating to the remuneration, allowances and benefits of provincial judges.

During the period April 1, 1984 to March 31, 1985, the Committee consisted of:

Chairman: Alan R. Marchment, F.C.A.
President and Chairman of the Board
Guaranty Trust Company of Canada

Judges' Nominee: Edward L. Greenspan, Q.C.
Barrister and Solicitor

Government Nominee: Robert D. Carman
Secretary
Policy and Priorities Board of Cabinet

Mr. Carman's position on the Committee has since been assumed by Arthur H. Clairman, Senior Vice-President and General Counsel, Olympia and York Developments.

On March 27, 1984, the Ontario Provincial Courts Committee submitted to the Lieutenant Governor in Council recommendations for a new pension plan for provincial judges. Shortly afterward, the government indicated its intention to implement the recommendations and organized several briefing sessions to explain the details of the plan to the judges. Several issues arose at the briefing sessions on which the Committee felt clarification of its earlier recommendations might be helpful. The Committee met in June 1984 with representatives of the judges, including Paul French, solicitor for the Provincial Judges Association (Criminal Division) and the Ontario Family Court Judges Association. On June 25, 1984, the Committee wrote to the Attorney General, the Honourable R. Roy McMurtry, to comment on several issues. A copy of that letter is attached.

One of the issues dealt with in the letter involved the payment of severance pay and attendance gratuities when a judge ceases to hold office. The Committee was subsequently advised by the Attorney General and by Mr. French that its recommendation on this issue did not mesh

with the requirements of the federal Income Tax Act and, accordingly, did not accomplish its objective. The Committee met in December 1984 with Mr. French and other representatives of the judges' associations to receive a further submission on this question. At that meeting, Mr. Carman advised that Revenue Canada had given an opinion indicating that serious tax consequences could be avoided by taking another approach to the issue. This approach appears to have provided a resolution of the immediate concerns.

At the December 1984 meeting, the Committee also received a submission from the judges' associations on the question of salaries. The Committee has submitted a recommendation on this issue together with this Annual Report.

Attach.



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